IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 216 OF 2000.

Miss Monica Lobo,
major of age,
Indian National,
Project Officer,
Sports Authority of Goa,
residing at Don vaddo,
Saligao, Bardez, Goa. ... Petitioner.

VERSUS

1. Sports Authority of Goa,
   a Society registered
   under the Societies
   Registration Act,
   through its Secretary,
   Indoor Stadium Complex,
   Panaji, Goa.

2. Executive Director,
   Sports Authority of Goa,
   with Office at Indoor
   Stadium Complex, Campal,
   Panaji, Goa.

3. Hon'ble Minister for Sports,
   Mr. Francisco Silveira,
   Secretariat Building,
   Panaji, Goa.

4. Mr. Euginio Cardozo,
   residing at Saipem,
   Candolim, Bardez, Goa. ... Respondents.

Mr. J.E. Coelho Pereira, Senior Advocate with
Mr. J. Godinho, Advocate for the Petitioner.

Mr. Noel Dias Sapeco, Advocate for the Respondents
No.1 and 2.

Mr. A.N.S. Nadkarni, Advocate General with Mr. P.A.
Kamat, Government Advocate for the Respondent No.3.

Mrs. N.N. Narvenkar, Advocate for the Respondent No.4.

CORAM: N.N. MHATRE &
P.V. HARDAS, JJ.

DATE: 21ST JANUARY, 2004.

ORAL JUDGMENT: **(PER SMT. MHATRE, J.)**

By this petition, the petitioner claims a writ, quashing the Order appointing the fourth respondent as Joint Director. The petitioner has also claimed that the Recruitment Rules should be framed by the Authorities and for a mandamus directing the Respondents No.1, 2 and 3 to pay to the petitioner, the amount of Rs.28,000/- being her salary for the period from 8.10.1999 to 31.1.2000. Today the petitioner restricts the relief claimed only as regards payment of wages for the period from 8th October, 1999 to 31st January, 2000.

2. The learned Advocate for the Petitioner, seeks liberty to delete Respondents No.2 and 3. Liberty granted.

3. The petitioner was initially appointed in the establishment of the first respondent as a Promoter in Softball on contract basis. She was then appointed to the post of Project Officer on a contract for a fixed period. This contract was renewed periodically. By an Order of 8th October, 1999 the first respondent appointed her as Project Officer (Women) in regular pay scale of Rs.6500-200-10500 from the date of the Order on temporary basis. She was informed that she would be on probation for a period of two years and

that her appointment as Project Officer would be ratified by the General Body meeting of the first respondent. Accordingly, after a meeting was held the petitioner was regularised in the post as her appointment was ratified. This regularisation was made with effect from 1st February, 2000. The grievance of the petitioner is that after the ratification, instead of relating back the ratification to her initial appointment as Project Officer, the respondents have paid her the scale of Rs.6500-10500 only after 1st February, 2000. The petitioner claims that she is entitled to Rs.28,000/- for the period from 8th October, 1999 to 31st January, 2000.

4. The submission made on behalf of the respondent No.1 that the ratification was made prospectively and therefore the petitioner is entitled to the pay scale only from 1st February, 2000 is unacceptable to us. Ratification would, obviously, mean that the action taken by the Executive Director of the first respondent on 8th October, 1999 appointing the petitioner as Project Officer in the pay scale of Rs.6500 to Rs.10500 was being accepted or confirmed by the General Body by a formal consent. It would naturally have to relate back to 8th October, 1999. The grievance made by the petitioner is therefore

justified.

5. There is no dispute that the petitioner had, in fact, worked from 8th October, 1999 to 31st January, 2000 as a Project Officer. Therefore she would be entitled to the wages for that post.

6. In the circumstances, Rule is made absolute in terms of prayer clause (d) of the petition. The respondent No.1 shall pay to the petitioner the amount of Rs.28,000/- being her salary for the period from 8th October, 1999 to 31st January, 2000 within a period of eight weeks from today. In the event this payment is not made within the stipulated period, interest would be payable on the amount run at the rate of 15% per annum.

NISHITA MHATRE, J.

P. V. HARDAS, J.

sl.